

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ESTATE OF ROGER G. HEISER,

Plaintiff,

v.

BARNES & NOBILE BOOKSELLERS, INC.,

et al.,

Defendants.

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Case No. 2:19-cv-04396

JUDGE ALGENON L. MARBLEY


Magistrate Judge Deavers

ORDER

This matter is before the Court on Chief Magistrate Judge Deavers' Report and Recommendation dismissing the claims against Defendant EMCO-Taylor Elevator Company (a/k/a Schindler Corporation) without prejudice for a failure to timely effect service of process pursuant to Federal Rule of Civil Procedure 4(m). Doc. 13. The parties had fourteen (14) days to file any Objections to the Report and Recommendation and that time has now passed with no Objections. After reviewing the Report and Recommendation, this Court finds that Chief Magistrate Judge Deavers reached the correct conclusion. Accordingly, the Court **ACCEPTS** and **ADOPTS** Chief Magistrate Judge Deavers' Report and Recommendation as this Court's findings of fact and conclusions of law. The claims against Defendant EMCO-Taylor Elevator Company are hereby **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4(m) for a failure to timely effect service of process. The claims against Defendant Barnes & Nobile Booksellers, Inc., however, remain in play.

IT IS SO ORDERED.

DATED: July 16, 2020



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE